MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
HELD IN WASHINGTON, D. C., DECEMBER 17, 1931.

The fifth meeting of the Commission of Fine Arts during the fiscal year 1932 was held in its office in the Interior Department Building on Thursday, December 17, 1931. The following members were present:

Mr. Moore, Chairman,
Mr. Winter,
Mr. Cross,
Mr. Weinman,
Mr. Mauran,
and Mr. H. P. Caemmerer,

Executive Secretary and Administrative Officer.

1. APPROVAL OF MINUTES OF PRECEDING MEETING: The Minutes of the Meeting held in Washington, November 2 and 3, 1931, were approved.

2. OLD CROSSING TREATY MEMORIAL: Mr. Carl Mose, sculptor, submitted photographs of his model for the Old Crossing Treaty Memorial with letter dated December 11, 1931, as follows:

My dear Mr. Moore:

I am mailing today a number of photographs of my model for the Old Crossing Monument.

These photographs were taken before the model was finished in detail, but the plan of it is clear, I think. I intend to build up the full-size model - six and one-half feet high - from this model, and work out the final details at that scale, if the Commission approves the general character of the composition.

The design for the pedestal is not yet settled. The Committee has agreed to provide a large boulder of native stone, which they will erect under my supervision.

If it would be possible to obtain an extension of time for the completion of the monument, I should appreciate it. I can finish it within the six months allotted, but would like more time to study it. I do not think Mr. Selvig intends to have it unveiled, in any case, until June or July.

With best wishes, I am

Yours very truly,
(Signed) Carl C. Mose.

The Commission inspected the photographs and judging by them considered the model satisfactory in general. The photographs were given particular attention by Mr. Weinman, who made certain suggestions which were embodied in a letter to Mr. Mose. (Exhibit A)

The Secretary called attention to the draft of an inscription for the memorial which had been prepared by Mr. Moore and which had received the approval of Congressman Selvig. (Exhibit A-1) This was agreed to by the Commission.

As to the request made by Mr. Mose for more time to complete the memorial the Secretary stated that Congressman Selvig had told him that if the memorial is completed by next August or September, this will be satisfactory to him, and that the Secretary of the Interior would undoubtedly extend the time desired by Mr. Mose to complete the memorial. This matter was taken up with the Secretary accordingly. (Exhibit A-2)

3. JAMES CARDINAL GIBBONS MEMORIAL: Mr. Weinman reported that on December 10, 1931, he and Mr. Cross and Mr. Swartwout inspected the model for the James Cardinal Gibbons Memorial at the studio of Mr. Leo Lentelli, sculptor, 51 West 10th Street, New York City, and found the model satisfactory and recommended its approval. Mr. Weinman said they suggested taking a few frills from the robes of the Cardinal.

The Secretary submitted photographs of the model received from Mr. Lentelli. Mr. Weinman inspected the photographs and said he felt the hand of Cardinal Gibbons is still a little too large. The model portrays Cardinal Gibbons seated in the robes of his office, extending his hand in benediction. The Memorial is to be erected in front of the Sacred Heart Church at 16th and Park Road during the year 1932.

The Commission approved the model and Mr. Lentelli was informed accordingly. (Exhibit B)

4. MASSACHUSETTS WORLD WAR MEMORIAL: The American Battle Monuments Commission submitted a design for the Massachusetts World War Memorial to be erected by that State at St. Mihiel, with a letter dated December 14, 1931, as follows:

The Commission of Fine Arts,
Washington, D. C.

Gentlemen:

The act creating the American Battle Monuments Commission provides that before any design or material for memorials is accepted by the Commission, it shall be approved by the National Commission of Fine Arts. We are therefore transmitting herewith the plans listed below for a memorial park which the Commonwealth of Massachusetts proposes to develop near St. Mihiel, France, to commemorate the men from Massachusetts who lost their lives in the World War.

These plans have been approved by the American Battle Monuments Commission and are forwarded for such comments and recommendations as the National Commission of Fine Arts may wish to make."

Respectfully,
X. H. PRICE,
Major, Corps of Engineers,
Secretary.
By: (Signed) James E. Mangum,
Executive Assistant.

Professor Bremer W. Pond, landscape architect, of Harvard University, who prepared the design in collaboration with Walter F. Bogner, consulting architect, was present to discuss it with the Commission as was also Mr. James E. Mangum, Executive Assistant of the American Battle Monuments Commission.

Professor Pond showed photographs of the site as it existed a few years ago and a sample of the stone which he is going to use. He said he is using this particular color of stone since it is similar to the color of the peculiar 90-foot high stone formations in the background, which will dominate the Memorial.

Professor Pond said that since the city has no park at the present time they are developing with this memorial something of a park and, therefore, it is intended to have the terrace of the Memorial far enough in front to preserve as much of the natural growth as possible. The Memorial is to be kept low, resembling an exedra, flanked by bosquets. Professor Pond gave the following dimensions for the Memorial:

Area of Tract, total		7½ acres.
Upper Plateau	3½ acres	
Terrace Site	1½ "	
River Park	2½ "	
Dimensions:		
Terrace, total		388'
Bosquets, each	100' x 20'	
Side Terraces	70' x 20'	
Center Terraces	48' x 31'	
Park Area:		
Length and total		940'
Average Width		110'

Mr. Cross wondered whether the Memorial was big enough in scale and felt that it ought to be made somewhat larger on account of the high background. The Commission suggested that the central motive be heightened at least four feet.

Professor Pond concurred in the suggestions and said he would resubmit the design later on. The Commission approved the design in general. (Exhibit C. See also Exhibit C-1 and C-2, in which Mr. Moore waived the requirement to resubmit the design in accordance with Dr. Cret's request.)

5. NAVAL HOSPITAL PLANS: At the request of the Navy Department, the Allied Architects, Inc., of Washington submitted preliminary plans for the United States Naval Hospital at New York Avenue and 23rd Street. Mr. F. W. Southworth represented the Navy Department at the meeting. The Allied Architects were represented by Mr. Dalos Smith, Mr. Nathan C. Wyeth, Mr. Sullivan,

Professor Murphy and Mr. Upman. Rear Admiral Parsons, Chief of the Bureau of Yards and Docks, gave authority for submitting the plans, by letter, as follows:

December 15, 1931.

Sir:

The Bureau has examined the tentative sketches of the proposed Naval Hospital at Washington, D. C., submitted by The Allied Architects of Washington, D. C., Inc., and has approved the layout subject to further development and resubmittal.

It will, therefore, be appreciated if the Fine Arts Commission will at this time give preliminary consideration to the drawings which the Allied Architects are presenting, with the understanding that a resubmittal will be made when the Bureau has finally approved the plans in details of arrangement.

The drawings presented are:
A plot plan of the hospital site together with adjacent areas;
An elevation from the south;
An elevation from the east.

Very truly yours,
(Signed) A. L. Parsons,
Chief of Bureau.

The plans were authorized by the following Act of Congress:

An Act To authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to replace, remodel, or extend existing structures and to construct additional buildings, with the utilities, accessories, and appurtenances pertaining thereto, at the United States Naval Hospital, Washington, District of Columbia, at a cost not to exceed $3,200,000, of which $100,000 shall be charged to the naval hospital fund: Provided, That the construction herein authorized shall be subject to the approval of the Public Building Commission under the authority of section 6 of the Public Buildings Act of May 25, 1926, to the same extent as other public building construction in the District of Columbia, and the plans for such construction shall be submitted to the Fine Arts Commission for advice.

SEC. 2. The Secretary of the Navy is hereby authorized to employ, when deemed by him desirable or advantageous, by contract or otherwise, outside professional or technical services of persons, firms, or corporations, to such extent as he may require for the purposes of this Act, without reference to the Classification Act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States, in addition to employees otherwise authorized and expenditures, for such purpose shall be made from the naval hospital fund.

Approved, February 25, 1931. 46 Stat. page 1419.

Mr. Southworth gave a preliminary statement and explanation of the project, saying that it presents a number of features: In the first place there is a hospital with 600 beds and the sick officers quarters and the Naval Medical School. While the construction is going on the school must continue and also the patients in the hospital will have to be accommodated. The arrangement of the buildings must be such that there is easy access between the school and the hospital. Then there is the problem of tearing down the existing temporary buildings along Constitution Avenue and making use of certain of the existing buildings. There is also the problem of providing parking space for cars. It is proposed to build these structures of brick with limestone trim.

Professor Murphy, speaking for the Allied Architects, said these plans for the hospital were adopted after an internal competition among the Allied Architects, and this scheme represented the crystallization of the best schemes suggested and seems to meet the requirements in a general manner.

Mr. Dalos Smith explained the plans more in detail. Mr. Smith said he regarded this submission of such importance as to justify a written memorandum, which he submitted, as follows:

Memorandum for the Commission of Fine Arts, December 17, 1931.

"The union, in this project, of a hospital with a school for medical officers constitutes an unusual problem. The plan which has been adopted affords direct circulation between the several units and permits of continuous operation of the principal existing

facilities while the new buildings are under erection. All buildings now existing on the site will eventually be removed except the Nurses' Home and three Officers' Quarters.

"The contours of the property also present an unusual problem, when considered with relation to the Lincoln Memorial as well as to the proposed public groups to the east and west of the hospital site. The plat plan presents such information as has been found available concerning these and adjoining projects, namely the Defense Group which centers about the intersection of New York and Virginia Avenues, and the Group of the Public Health Service which lies just west of the hospital site.

"Approximate datum elevations of the highest points of the respective groups are as follows:

Defense Group	El. 140 (subject to verification)
Naval Hospital	El. 164 (as shown)
Public Health Group	El. 130 (subject to verification)
Lincoln Memorial	El. 140

"It may be noted that the high ward wings of the new hospital are to be located approximately 1700 feet from the Lincoln Memorial.

"The present submission seeks to provide adequate hospitalization by the "H" plan set on the axis of the Defense Group and with ward wings of four stories each, only the central mass being taken to the maximum height of five stories. In adopting this plan it is felt that the long masses of the buildings - parallel to the contours of the hillside - will be in repose. Existing grades have been changed only in so far as to contribute to the general effect of terraces falling toward the south and relating as a background to the riverside areas. These terraces with green slopes and rusticated retaining walls are conceived as affording contrast with the limestone of the buildings and as softening - together with the existing and projected trees and planting - the contours of the land. When rounded into harmony with the development of the Public Health Group, these stepped-down buildings and hillside slopes, it is believed, will adequately terminate the Constitution Avenue development and will reinforce and support the existing harmony of the Lincoln Memorial area. Style, as induced by mass and local influences will be more clearly indicated in a later submission."

The Commission inspected the drawings carefully and considered them with particular reference to the site proposed. The Commission took note of the fact that these buildings will be built on high ground and fear was expressed lest such a group of buildings as proposed in this development would dominate

the landscape in that part of the city near the Lincoln Memorial. This view was confirmed later in the day when the Commission inspected the Naval Hospital site from the Lincoln Memorial grounds. At that time they also called attention to the fact that monumental marble buildings had been designated for Constitution Avenue as a frame for the Lincoln Memorial, whereas these are to be brick buildings. It seemed to the Commission like erecting a large 80-foot high apartment building on top of a high hill. The Commission felt that the Naval Hospital Buildings exceeded the zoning height and thus violated the Zoning Regulations, but Colonel Grant stated that the height would be measured from D Street on the north side and he, therefore, believed the Zoning Commission would raise no objection to the height of the buildings.

The Commission concluded also that there is no room for expansion of the United States Naval Hospital development. Attention was called to the fact that the National Institute of Health under the Treasury Department lays claim to about four squares immediately to the west of the United States Naval Hospital Grounds adjacent to the Rock Creek Parkway and the Potomac River. The Commission felt that this area should be included in the Naval Hospital development if it is to remain at its present location. The Commission, however, strongly recommended that the Naval Hospital be relocated at a new site some distance from the heart of the city on ample grounds, preferably near the Army Medical Center at Walter Reed Hospital. The Commission could not see the justification for a separate Army and Navy Hospital. A report was sent to Rear Admiral Parsons of the Navy Department on this project. (Exhibit D)

6. NATIONAL MUSEUM BUILDING EXTENSIONS: Mr. Nathan C. Wyeth resubmitted in behalf of the Allied Architects of Washington plans for the National Museum extensions. He said the plans had been approved by the Board of Regents of

the Smithsonian Institution and were now being submitted for final approval by the Commission of Fine Arts. He called attention to studies made of a pilaster treatment for the exterior of the extensions that had been suggested by the Commission at the meeting on November 2.

The Commission inspected the plans. The Commission gave particular attention to the scheme of a wall with pilaster treatment and one with simply a plain wall surface. Upon the recommendation of Mr. Cross and Mr. Mauran the Commission selected the plain wall surface as being the best.

The Secretary called attention to the protest made by the National Capital Park and Planning Commission to a projection of 12 feet beyond the building line of the wall. Mr. Wyeth said he did this to give character to the building and the architect members of the Commission concurred emphatically in this. Mr. Moore thereupon explained the features involved in the Mall Plan, saying that in 1901, the McMillan Park Commission through Mr. Burnham, Mr. McKim, and Mr. Olmsted decided upon a 800 foot width for the Mall, that being slightly over the length of the United States Capitol. It was agreed at that time that no building should be built nearer than 400 feet from the main axis of the Mall and this has been generally adhered to although in erecting the National Museum Building about 1908, the south entrance was allowed to extend 28 feet beyond the building line and the entrance on the north side 25 feet. No harm resulted to the Mall Plan from this, and Mr. Moore said he did not think in this instance Mr. Wyeth's design should be "shaved down" to meet the building line. The Commission concurred in this.

The Commission noted also that there is parking space extending 40 feet from the Ninth Street curb to the exterior wall as proposed on the east side of the building and fully 80 feet on the Twelfth Street side.

The Commission approved the plans and Dr. Wetmore was informed accordingly. (Exhibit E; see also E-1)

7. CENTRAL HEATING PLANT: In view of protest made by Lieut. Colonel U. S. Grant 3d, in behalf of the Zoning Commission against the height of the Central Heating Plant design which had been approved by the Commission of Fine Arts at the meeting on November 2, 1931, a re-study was made by Dr. Paul P. Cret, consulting architect, and the United Engineers and Constructors. The revised design had been submitted by the Supervising Architects' Office with the following statement from the United Engineers and Constructors:

Mr. Ferry K. Heath,
Assistant Secretary of the Treasury,
Treasury Department,
Washington, D. C.

Alternate Architectural Design
Dear Sir: Central Heating Plant for Public Buildings.

Due to objections raised by Col. Grant in his letter of November 6th to you, we were instructed by Mr. Von Nerta to prepare alternate architectural studies of the Central Heating Plant which would adhere to the Zoning Regulations for the district in which the plant is to be built and also allow of the widening of C Street to one hundred and ten feet.

We submit herewith two alternate elevations each with a parapet elevation approximately ninety feet above grade and set back for the pent house structure enclosing stacks to meet the Zoning Regulation requirements. To accomplish this it has been necessary to set the grade of the boiler room basement floor about sixteen feet below the ground and provide an open area-way around the building to admit light and air for the basement. The height of top of stacks has been maintained the same distance above the ground as in the design approved by the National Fine Arts Commission.

We also submit sketch showing the plan of the building location on the property with C Street widened; also a cross section of the plant showing area-way arrangement.

From an engineering point of view, the alternate designs involve the following disadvantages:

1. Curtailment of light and air to the basement which contains a large amount of important equipment requiring

operation and maintenance. Modern practice in design of such plants is adverse to placing such floor below ground as it is subject to uncertainties in drainage, does not provide natural light and hampers repair or replacement of equipment.

2. Extra cost of construction which in this case amounts to approximately $75,000.

3. Restriction of park area in front of building, due to necessity of open area-way.

Very truly yours,
(Signed) G. Schobinger,
Engineering Manager.

Schemes 2 and 3 had been considered in a conference held in the office of Mr. Cross on December 2, 1931, on which date Mr. Cross reported that he and Mr. Swartwout inspected the drawings but were not satisfied with them and suggested submitting them at the next meeting of the Commission. The architect members of the Commission regretted the fact that the revised design shows three large smokestacks which would detract from the fine appearance of the building. Colonel Grant urged the importance of keeping the building to a height of 90 feet at the cornice line, thereby conforming to the Zoning Regulations, and said if this were not done by the Government private owners would be apt to apply for permission to erect very high buildings in that part of the city which might seriously interfere with the view of the Capitol from the south. The Commission after consideration concurred with Colonel Grant in this matter.

Dr. Cret, Architect, and Messrs. F. P. Fairchild and R. B. Howland, representing the United Engineers and Constructors, were present to consider the design with the Commission. The Commission noted that while the parapet of the building would be approximately 90 feet high above grade there would be a setback to it for the penthouse with smokestacks that would have a height of

130 feet above grade. The Commission noted that approximately 35 feet of the smokestack would be visible above the parapet.

The United Engineers deplored the fact that in this plan the builders must go into the ground 16 feet and be subject thereby to an additional expenditure of about $150,000.

The Commission discussed with Dr. Cret and the representatives of the United Engineers and Constructors features involved in the open storage of coal and favored an open storage behind an enclosing wall. The Commission felt in this way the dust problem can be taken care of. To carry this out in the scheme the Commission advised further study to the upper part of the building so as to make it conform as nearly as possible to that indicated in scheme No. 1, heretofore approved by the Commission. A report was sent to Secretary Mellon approving scheme No. 3, subject to the suggestions made by the Commission. (Exhibit F)

8. INDEPENDENT OFFICES BUILDING: Mr. Edward H. Bennett submitted designs for the Independent Offices Building. He said the design was influenced by the fact that this building is not only a terminal building but also at the termination of 70 acres of monumental buildings. Mr. Bennett said the Pennsylvania Avenue side had been kept simple and without the columns. On the west side there is a pilaster treatment. He said he had used the Ionic order because the Justice Department Building is Ionic.

Mr. Bennett explained the floor plans. The first floor is for the Office of Public Buildings and Public Parks and an exhibition room; the second floor for the National Capital Park and Planning Commission; the third floor for the Commission of Fine Arts and part of the Federal Trade Commission; the fourth floor for the Federal Trade Commission. The Commission noted that in the space assigned in the new building to the Commission of Fine Arts twice as much floor

space has been allowed as the Commission has at present, and the general lay-out was regarded satisfactory.

A report approving the design of the Independent Offices Building was sent to the Secretary of the Treasury. (Exhibit G)

9. DRAWINGS FOR THE ARCHITECTURAL LANDSCAPE DEVELOPMENT OF THE TRIANGLE: Mr. E. H. Bennett of Bennett, Parsons and Frost, Architects, submitted preliminary plans for the architectural landscape development of the Triangle south of Pennsylvania Avenue. The Commission inspected the drawings informally and reached the following tentative conclusions:

1. and 1 a. Plan for Plaza. This plan should be given further study with a view to greater simplicity.

2. Design for Fountain. Approved.

3. Design for Pylon. Approved.

4. Study for Kiosks. This should be restudied with a view to eliminating the fountain.

5. Study for monument in the Great Circle. Approved.

6. Design for Flagpole base. This design should be restudied, to show two steps in the base.

The Commission were much concerned as to the views of the Board of Architectural Consultants as to these plans and felt that before further action is taken they should receive consideration by the Board of Architectural Consultants. The designs were, therefore, sent to the Secretary of the Treasury accordingly with that request. (Exhibit H)

10. ESPLANADE APARTMENT HOUSE: The Commission inspected sketches submitted by Mr. William Douden, architect, for the Esplanade Apartment Buildings to be built between Calvert Street and Adams Mill Road. The apartment

buildings will extend for 700 feet along the road and will face the National Zoological Park. The Commission noted that these apartment buildings will have a conspicuous location at the site proposed and, therefore, felt that several features of the sketches submitted should be changed. The apartment buildings will be 60 feet high and are to have an elevated sidewalk. The matter had been brought to the attention of Colonel Grant of the National Capital Park and Planning Commission, who by letter of December 15, 1931, reported as follows:

My dear Mr. Moore:

Thank you for referring to me the studies for the proposed apartment houses facing the Zoo at Adams Mill Road. This plan is the result of a long series of studies and negotiations with the owners looking to development of the property which would conform to the zoning law and the highway plan.

The street plan shown on the plat conforms to the highway plan as approved by the District Commissioners and the Park and Planning Commission although no elevated sidewalk was originally contemplated. The sidewalk grade has not been established by the District officials and the suggestion shown on these drawings of an elevated walk would make possible the use of the sloping hillside for a development of apartments within the height limits established by the zoning regulations. The studies which you have submitted with your letter have been approved as far as zoning and road layout are concerned by the Coordinating Committee.

This case has caused a great deal of difficulty for the staff of the Commission in that for a long time the architect involved refused to make plans which conformed to the approved street and zoning requirements. He has finally done so. I presume that your Commission will see its own way to improve the appearance of the proposed buildings, possibly by making the wall for the sidewalk solid instead of arched and with a different architectural treatment of the buildings.

Sincerely yours,
(Signed) U. S. Grant 3d,
Executive and Disbursing Officer.

The Commission disapproved the general design of the building and concurred with the National Capital Park and Planning Commission that the wall for the elevated sidewalk should be solid instead of arched. Also the Commission said

the material for the building should be of uniform color. The Commission concurred in the elevated walk with the understanding that in its construction it will conform to the building regulations of the District of Columbia. The Commission recommended re-study of the plans, whereupon they should be submitted to the Building Inspector through whom they would be submitted to the Commission of Fine Arts in accordance with the requirements of the Shipstead-Luce Act. The suggestions were brought to the attention of Mr. Douden, who was present.

11. FILLING STATION ON PENNSYLVANIA AVENUE: Under date of November 21, 1931, the American Oil Company requested the views of the Commission of Fine Arts as to their plan to erect a filling station at 919-921 Pennsylvania Avenue, as follows:

Dear Mr. Caemmerer:

The program which the Government and the District are at this time carrying out in respect to the condemnation of properties on Pennsylvania Avenue, Washington, will work a serious hardship to our company through the loss of five drive-in gasoline service stations. We have already surrendered one location and understand that another site will be taken from us very shortly and the others following during the coming months.

Under the circumstances, it is most essential that we have a new location on Pennsylvania Avenue and it may be possible for us to acquire the premises at 919 and 921 Pennsylvania Avenue, which is on the opposite side of the Avenue from the properties which are being taken over by the Government and District. This property at the present time is improved with an old building once occupied as a theatre.

Understanding that future improvements on the Avenue will be subject to the approval of the National Commission of Fine Arts, we have deemed it best to take this matter up with you and ascertain what steps we should take to bring this to the attention of your Commission for such approval as may be required. Our Engineer will be very glad to discuss this matter with you in person and we would appreciate your designating the time when you can see him. The importance of the situation to us prompts our suggesting an early interview would be very desirable.

Yours very truly,
(Signed) W. K. Plumb,
Asst. Gen. Manager

Mr. Moore said that he firmly believed no gas station should be permitted on Pennsylvania Avenue. Mr. Cross heartily agreed with him. Mr. Moore said that in New York City filling stations are segregated and one has to go to a certain area of the city in order to buy gasoline. Mr. Cross said small towns generally have a filling station on the most important street and this is out of place for a city like Washington.

The Commission considered the matter further with Colonel Grant as representing the Zoning Commission and concluded that no filling station should be allowed on Pennsylvania Avenue between the Capitol and the Treasury Department. (Exhibit I)

12. DRINKING FOUNTAIN, MERIDIAN HILL PARK: Mr. Peaslee submitted a sketch for a drinking fountain in Meridian Hill Park concerning which he desired the advice of the Commission. Mr. Weinman approved the general scheme, with detailed suggestions as to (a) elongating the shell and supressing the outside ridges; (b) making the volute coarser; (c) adding additional back platform, and reinforcing the side steps.

13. SIXTEENTH STREET FOUNTAIN, MERIDIAN HILL PARK: Mr. Peaslee submitted a model for a fountain to be erected on the 16th Street side of the grand terrace of Meridian Hill Park. This model had heretofore been submitted to the Commission and approved by them as to scheme. Mr. Peasleee resubmitted the model to determine in general the scale and type of the sculpture and the material, whether bronze or marble, so that estimates could be prepared. It is expected that donors for this memorial will be secured. Mr. Peaslee offered several sculptural features, which were brought to the attention of Mr. Weinman. Mr. Weinman said that the nude with faun was more in the decorative character to be desired than a formalized Indian figure; that the figure would be better

in bronze than in marble; that its cost should be between $15,000 and $20,000.

Later in the day the Commission inspected the site proposed for the memorial fountain and concluded that the model should be much simplified. (Exhibit J)

14. S. A. R. FOUNTAIN: Colonel Grant offered a sketch suggesting a fountain which the Sons of the American Revolution wish to donate to Washington. In design it looked like a square post with a fountain basin on one side. The Commission disapproved the sketch but offered to give further advice in this matter at any time in the future. Colonel Grant said that Brigadier General George Richards of the Navy Department is particularly interested in this fountain.

15. ARLINGTON MEMORIAL BRIDGE: Colonel Grant reported that the Arlington Memorial Bridge Commission had a meeting on Saturday, December 12, at which time they had disapproved the erection of the memorial columns on Columbia Island Plaza and had requested that McKim, Mead and White, architects of the Arlington Memorial Bridge submit a new study for this project. Colonel Grant also reported that the paving of the bridge is about completed and that it would be possible to cross the bridge with vehicles in a few weeks even though the formal dedication of the bridge would not take place until some time next spring. Various features in connection with the Columbia Island Plaza development will be given further attention by the Commission of Fine Arts as also the question of inscription for the memorial tablets.

16. SHIPSTEAD-LUCE ACT SUBMISSIONS: (a) The Building Inspector requested the advice of the Commission as to erecting a sign at The Willard Hotel on Pennsylvania Avenue at 14th Street, to be 50 feet long and 8 feet wide.

The Commission disapproved the erection of this sign. The Commission decided that they would not permit the erection of a sign, coming within the area prescribed by the Shipstead-Luce Act, which would interfere with the architectural appearance of the building. The Commission reaffirmed a decision previously made that the erection of the sign would be not allowed in the area above mentioned with a projection beyond the building line.

(b). Residence at 2700 Military Road: The Building Inspector submitted a design for a residence at 2700 Military Road. This was brought to the particular attention of Mr. Mauran, and upon his recommendation the Commission approved it.

17. SHIPSTEAD-LUCE ACT REGULATIONS: The question of drafting the proposed Shipstead-Luce Act Regulations received the attention of the Commission. Mr. Charles W. Eliot, Director of Planning of the National Capital Park and Planning Commission reported that since the last meeting of the Commission of Fine Arts he had had no opportunity to go over the draft. Mr. Mauran, therefore, asked Mr. Eliot to give this matter attention so that the subject could receive the attention of the Commission of Fine Arts at the next meeting. Mr. Moore called attention to a letter received from Colonel Grant, protesting in behalf of the Zoning Commission against the Commission of Fine Arts approving designs for buildings that exceeded the height limit of the Zoning Regulations. (Exhibit K) A reply was sent to Colonel Grant. (Exhibit K-1)

Mr. Moore said that since the Shipstead-Luce Act was passed after the zoning law, he had requested advice of the Attorney General through the President of the United States to find out certain things under the Act:

July 25, 1931.

Sir:

Public No. 231, 71st Congress, approved May 16, 1930, entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital", imposes certain duties upon the Commission of Fine Arts.

The case has recently arisen where the Commission of Fine Arts specified a height of 90 feet, whereas the regulations of the Zoning Commission, established by Act of Congress approved March 1, 1920, limit the height of buildings in that particular block in question to 60 feet. In view of the fact that a building 90 feet in height occupies a part of the block, the Commission of Fine Arts decided that what was practically an extension of the building should be carried to the same height limit as the original building. The Zoning Commission, however, insisted on a height limit of 60 feet.

The Commission of Fine Arts respectfully ask that the Attorney General be requested for an opinion as to:

1. Whether the authority of the Commission of Fine Arts or the authority of the Zoning Commission should prevail.

2. Whether, under the clause requiring the Commission to regulate the "height and appearance, color, and texture of the materials of exterior construction", signs placed upon buildings are within the regulatory provisions of the Act.

This question is very important because of the fact that after the Commission of Fine Arts has regulated the appearance of a building it has happened that the building is so covered with signs as to impair the architectural appearance of the building itself and so defeat the purpose of the Act.

For the Commission of Fine Arts:

Very respectfully, yours,
(Signed) Charles Moore,
Chairman.

The President,
The White House.

The White House transmitted the reply. (Exhibit K-2)

The Commission considered this reply wholly unsatisfactory. Mr. Mauran then read one of the rules from the proposed regulations he had compiled which would

require that nothing be submitted to the Commission of Fine Arts until it had been submitted to the Inspector of Buildings and the Zoning Commission. Mr. Mauran called attention to the difficulty with the Museum Building because the plans were submitted without anything being said about the additions extending over the building line.

Mr. Caemmerer stated that so far as private buildings are concerned the Commission has no difficulty since the Building Inspector understands that when he submits plans for private buildings to the Commission of Fine Arts they are submitted with the understanding that the Zoning Regulations are complied with. It is the designs for Government buildings that are causing all this difficulty, as in the case of the Central Heating Plant submitted by the Secretary of the Treasury.

The question was raised as to how this matter could be kept in control. Mr. Caemmerer said that he is generally familiar with the Zoning Regulations and could inform the Commission in advance in this matter. The Commission, therefore, requested that in the future when plans for public buildings are submitted, Mr. Caemmerer give this subject attention and inform the Commission as to features of the design involving the Zoning Regulations; also particularly as to the height of buildings; and also as to questions affecting the National Capital Park and Planning Commission such as parking space, street widening and other related matters.

17. FINE ARTS EXHIBITION: Mr. J. Monroe Hewlett, Chairman of the Committee of Artists, having expressed his doubts as to the possibilities of carrying out the exhibition because of a very high estimate received from Langley Brothers (Exhibit L), came to Washington and conferred with the Commission about the matter of lowering the panels and arranging for the

Exhibition. Mr. Alexander Trowbridge, who since the last meeting of the Commission had been appointed in place of Mr. Mindeleff, was present and it was agreed that Mr. Hewlett and Mr. Trowbridge should go to the Museum Building and consider the situation on the ground, which they did. Later in the day Mr. Trowbridge reported that he and Mr. Hewlett had come to a very satisfactory agreement as to the panels and that it was agreed to take out several of the north and south panels, thus giving an unobstructed view of the mural decorations to be placed as a frieze around the National Gallery of Art space.

The Secretary asked Mr. Weinman as to what plans the National Sculpture Society had in hand and Mr. Weinman said preparations had been held in abeyance pending the settling of the question of the panels. (A telegram from Mr. Fraser was received on December 22, 1931, as follows:

> "We have decided to go ahead with the sculpture exhibition. You may get in touch with the Gorham Company in regard to the Ward Statue of Washington". James E. Fraser)

Mr. Caemmerer stated he had made satisfactory arrangements with Dr. Wetmore as to clearing the rotunda and also felt that no difficulty would occur in carrying out the plans for the Exhibition.

18. INSPECTION OF THE DEPARTMENT OF COMMERCE BUILDING: The Commission inspected rooms on the first floor of the new Department of Commerce Building, including the great auditorium. The Commission were much impressed by the interior treatment, especially with the treatment of the entrance and the auditorium, which seats 1,000 persons. While at the building the Commission met Mr. Louis Ayres, a former member of the Commission of Fine Arts, who is in charge and has had general supervision in the design of the building for the architects, York and Sawyer.

The Commission adjourned at 6:00 p. m. and later in the evening attended the reception at the White House.

C O P Y

December 17, 1931.

My dear Mr. Mose:

The photographs of your statue of an Indian for the Old Crossing Monument have been referred to me for inspection and suggestions. I like both views marked Nos. 1 and 2, with a slight change of drapery marked and size of right forearm suggested on No. 1. On No. 3, I have indicated a change in drapery and similarly on No. 4 and No. 5. The long fold coming from the left shoulder down to lower end of drapery could be convexed backwards and given more body. I realize that this model is not complete and hope the impressions of a fresh eye may be of some use to you.

Sincerely yours,

(Signed) A. A. Weinman.

Mr. Carl C. Mose,
3210 Girard Avenue, South,
Minneapolis, Minnesota.

EXHIBIT A

C. G. SELVIG
9TH DIST. MINNESOTA
USE OFFICE BUILDING

RESIDENCE:
CROOKSTON, MINN.

COMMITTEES ON
[illegible] LABOR
ROADS
CENSUS
INVALID PENSIONS

Congress of the United States

House of Representatives

Washington, D. C.

RECEIVED
COMMISSION OF FINE ARTS
WASHINGTON D.C.
DEC 19 1931
NOTED

December 12, 1931

Mr. H. P. Caemmerer, Secretary,
The Commission of Fine Arts,
Washington, D. C.

Dear Mr. Caemmerer:

In reply to your letter of December 11 asking me to select an inscription for the Old Crossing Memorial I wish to submit as my choice the following:

OLD CROSSING TREATY MEMORIAL

The Red River Valley of the North, then included in the State of Minnesota and the Territory of Dakota, was ceded to the United States by a treaty signed near this spot, October 2, 1863; negotiated by Alexander Ramsey and Ashley C. Morrill, Commissioners; and the chiefs, headmen and warriors of the Red Lake and Pembina bands of Chippewa Indians.

Erected by the United States, 1932.

I shall be glad to be advised as to the decision reached by the Commission in regard to this matter.

Sincerely yours,

C. G. SELVIG

EXHIBIT A-2.

C O P Y

December 19, 1931.

Dear Mr. Secretary:

The Commission of Fine Arts, at their meeting on December 17, 1931, considered photographs submitted by Mr. Carl C. Mose, 3210 Girard Avenue South, Minneapolis, Minnesota, for the Old Crossing Treaty Memorial. In general the Commission regard the model satisfactory, but the sculptor member of the Commission has made certain suggestions, which he noted on the photographs and sent to Mr. Mose with a letter, a copy of which is enclosed.

Hon. C. G. Selvig has seen a photograph of the model and is satisfied with the progress that is being made in it. Also he has approved the draft of an inscription, which this Commission approve, as follows:

OLD CROSSING TREATY MEMORIAL

"The Red River Valley of the North, then included in the State of Minnesota and the Territory of Dakota, was ceded to the United States by a treaty signed near this spot, October 2, 1863; negotiated by Alexander Ramsey and Ashley C. Morrill, Commissioners; and the chiefs, headmen and warriors of the Red Lake and Pembina bands of Chippewa Indians.

Erected by the United States, 1932.

Mr. Mose would appreciate an extension of time to August 1932, to complete the memorial, and the Commission of Fine Arts recommend that you grant his request.

Respectfully yours,
(Signed) Charles Moore,
Chairman.

The Honorable
The Secretary of the Interior.

EXHIBIT A-2

C O P Y

December 17, 1931.

Dear Mr. Lentelli:

Upon the recommendation of Mr. A. A. Weinman, sculptor member of the Commission of Fine Arts, the Commission at their meeting on December 17, 1931, approved your model for the James Cardinal Gibbons Memorial.

For the Commission of Fine Arts:

Very truly yours,

(Signed) Charles Moore,

Chairman.

Mr. Leo Lentelli,
51 West 10th Street,
New York, N. Y.

EXHIBIT B

C O P Y

December 18, 1931.

Dear Sirs:

The Commission of Fine Arts, at their meeting on December 17, 1931, considered the design for the Massachusetts State War Memorial, to be erected near St. Mihiel, France, which you submitted with your letter of December 14th.

The Commission approved the design in general. The Commission regard the central motive too low for the high natural background, and suggest that it be raised about four feet.

For the Commission of Fine Arts:

Very respectfully yours,

(Signed) Charles Moore,

Chairman.

The American Battle Monuments Commission,

Washington, D. C.

EXHIBIT C

C O P Y

PAUL PHILIPPE CRET
Architect

December 19, 1931.

H. P. Caemmerer, Esq., Secretary,
National Commission of the Fine Arts,
Interior Dept. Bldg., Washington, D. C.

Dear Mr. Caemmerer:

The State of Massachusetts Commission has been delayed so much in the preparation of their St. Mihiel Memorial, that it would be most kind of the Fine Arts Commission in passing on this project, to state any suggestions desired by the Commission, but with authorization to embody these in the working drawings without further submission. The designer, Mr. Pond, could then send to the Fine Arts Commission, prints of these working drawings as justification that the suggested changes have been carried out.

I may be outside my province in writing this, but I feel that in the course of the perambulations of this project in the past four or more years, the Massachusetts Commission has been so patient that Mr. Moore might feel inclined to help the designer Mr. Pond to reach the final stage.

Very sincerely yours,

(Signed) Paul P. Cret.

PPC/W

EXHIBIT C-1

C O P Y

December 23, 1931.

Dear Dr. Cret:

Your letter of December 19, has been received. If you will supervise the work of Mr. Pond on the Massachusetts World War Memorial at St. Mihiel, I am sure the Commission of Fine Arts will be satisfied that the changes suggested have been embodied in the design in a satisfactory manner. It will not be necessary to delay the Massachusetts World War Memorial for a resubmission to the Commission of Fine Arts.

I hope you and Professor Pond will have much joy in carrying out the Bay State project.

With best wishes,

Cordially yours,

(Signed) Charles Moore,

Chairman.

Dr. Paul P. Cret,
17th Street at Sansom,
Philadelphia, Pennsylvania.

EXHIBIT C-2

C O P Y

December 22, 1931.

Sir:

The Commission of Fine Arts at their meeting on December 17, 1931, inspected tentative sketches of the proposed United States Naval Hospital development, prepared and submitted by the Allied Architects of Washington, Incorporated. As stated in your letter of December 15, the drawings consisted of:

A plot plan of the hospital site together with adjacent areas;
An elevation from the south;
An elevation from the east.

The Commission discussed these plans with representatives of the Allied Architects. Also the Commission visited the site and viewed the project from the Lincoln Memorial, the Arlington Memorial Bridge and the Rock Creek Parkway.

The Commission are unanimous in advising you that the buildings as planned would prove to be a serious detriment to the integrity and dominance of the great central composition of the National Capital, which expresses the dignity, power and feeling for beauty of this Nation. No other people known to history have ever achieved a more comprehensive, impressive and beautiful scheme for a National Capital. This central composition begins at the Capitol, has for its center the Washington Monument (approximately on the axis of the White House) and terminates in the Lincoln Memorial, which itself is the point of reunion and departure for the roads leading from and to the Potomac Parks, the Mount Vernon Highway, the Rock Creek Park, and the George Washington Memorial Parkway to Great Falls. In extent it is comparable with a London composition which may be said to extend from Buckingham Palace to St. Paul's Cathedral, or the highly developed Paris composition extending from the Palace of the Tuileries through the Place de la Concorde to the Arc de Triomphe.

This magnificent composition now approaching completion would be ruined in appearance by the towering mass of brick buildings. Hospital construction carried out on modern hospital lines is not a thing of beauty and should not be given a dominating place in the landscape. The very attempt to provide this hospital group with a monumental entrance brings the hospital in sharp competition with the Lincoln Memorial to the detriment of both. The two buildings are mutually antagonistic in design as well as in purpose.

EXHIBIT D

During several years a common aim has actuated those agencies which have had to do with the buildings facing the Lincoln Memorial, namely to develop a frame for the Memorial itself by the use of low, marble buildings sitting behind a broad garden of trees. To have this carefully designed and beautifully wrought framework abruptly terminated by the protrusion of a series of brick, utilitarian buildings rising to an overpowering height would be nothing short of an act of vandalism.

The Commission are convinced that the proper place for a growing hospital is a large suburban area, where a group of comparatively low buildings may be developed within an area suited for inevitable expansion; and not in an area already congested and hemmed in on all sides.

The Commission therefore urgently recommend that the United States Naval Hospital be relocated on ample grounds in some outlying section of the District of Columbia, preferably near the Army Medical Center.

For the Commission of Fine Arts:

Very respectfully, yours,
(Signed) Charles Moore,
Chairman.

Rear Admiral A. E. Parsons, Chief,
Bureau of Yards and Docks,
Navy Department,
Washington, D. C.

C O P Y

December 18, 1931.

Dear Dr. Wetmore:

The Commission of Fine Arts at their meeting yesterday approved the completed drawings for the extensions to the Natural History Museum Building, submitted by Mr. Wyeth on behalf of the Allied Architects of Washington.

After further consideration of alternative sketches the Commission favor a plain wall surface, omitting the pilasters. This plain surface gives distinction to the building and improves the general design of the Museum.

An objection having been raised that the pavilions extend twelve feet beyond the building line of the Mall, the Commission gave consideration to this subject. The Museum Building was located at a time when the Mall Plan was under animated discussion in Congress. The building was located so as to preserve the 800 feet width of the Mall between building lines. The entrances on the north and south project 25 and 28 feet beyond the line of the main building. But the building itself recognized fully and completely the desirability of the Mall Plan and was a powerful force in giving authority to that plan.

The extension of the pavilions by twelve feet greatly improves the appearance of the building and in the opinion of this Commission in no wise impairs the integrity of the Mall Plan, which is maintained by the line of the main structure.

For the Commission of Fine Arts:

Very respectfully yours,
(Signed) Charles Moore,
Chairman.

Dr. Alexander Wetmore,
Assistant Secretary in Charge,
National Museum,
Washington, D. C.

EXHIBIT E

C O P Y

December 21, 1931.

Mr. Charles Moore,
Chairman, The Commission of Fine Arts,
Interior-Department-Building,
Washington, D. C.

Dear Mr. Moore:

I beg to acknowledge with thanks your letter of December 18, announcing that the Commission of Fine Arts has approved the completed drawings for the extensions to the Natural History Building of the National Museum as submitted by Mr. Wyeth on behalf of the Allied Architects of Washington. It is noted that the Commission desires a plain wall surface, omitting the pilasters, which type of design will be put into effect.

I am pleased to note that the Commission coincides in our opinion that the extension of the pavilions by twelve feet is in harmony with the general plan for the development of the Mall.
With appreciation for your attention, I am

Respectfully yours,

(Signed) A. Wetmore,

Assistant Secretary.

EXHIBIT E-1

C O P Y

December 18, 1931.

Sir:

The Commission of Fine Arts recognize the difficulties attending the building of a Heating Plant for the Federal Buildings.

The Commission are unanimous in expresssing satisfaction with the site selected by the Treasury Department, and the happy ending of a long-standing controversy.

The original design for the building itself had the approval of the Commission. The architect solved the problem of providing for the stacks within the building and yet built to a height which would provide for carrying fumes above the point where they would be objectionable to the workers in the Agricultural Department buildings. At the same time he designed a building architecturally satisfactory and even distinguished.

At this juncture the question arose of exceeding the height permissible under the general zoning regulations, and thus paving the way for private structures to be built to an equal height. The weighty character of this objection was recognized by the Commission. Various sketches were presented to show how the zoning regulations could be complied with. These sketches showed chimneys rising

EXHIBIT F

above the roof, but more or less disguised. Of the sketches submitted the Commission advise the adoption of Scheme No. 3, with the suggestion that further study be given to the architectural treatment of the upper member. The Commission will consider promptly the results of such further studies, and also the treatment of the front of the building as modified by the new height limit.

A subordinate question as to the open storage of coal, and the danger from blowing dust, was brought up tentatively. The Commission favor open storage behind an enclosing wall, on the understanding that by ordinary and usual treatment of the stored coal (as explained by the engineers) the dust problem can be taken care of.

The Commission are so well satisfied with the main features of the location and design of the Heating Plant that they are disposed to yield points which involve mainly matters of taste, on which opinions may be expected to differ.

Also the Commission believe that as a rule the zoning regulations should be maintained, and that exceptions should be approved only when the larger question of the general appearance of the city make such exceptions advisable in particular instances.

For the Commission of Fine Arts:

Very respectfully yours,
(Signed) Charles Moore,
Chairman.

Hon. Andrew W. Mellon,
Secretary of the Treasury,
Washington, D. C.

C O P Y

December 18, 1931.

Sir:

The Commission of Fine Arts on December 17, 1931, approved the plans submitted by you for the Independent Offices Building, as prepared by Bennett, Parsons and Frost, Architects, of Chicago, the building to be constructed south of Pennsylvania Avenue and east of Sixth Street.

For the Commission of Fine Arts:

Very respectfully yours,

(Signed) Charles Moore,

Chairman.

Hon. Andrew W. Mellon,

Secretary of the Treasury,

Washington, D. C.

EXHIBIT G

C O P Y

December 22, 1931.

Sir:

The Commission of Fine Arts respectfully transmit to you certain drawings for the architectural landscape features of the Triangle, informally considered at the request of Mr. E. H. Bennett, of the firm of Bennett, Parsons and Frost, architects.

Inasmuch as these features are vitally related to the architecture of the buildings of the Triangle, the Commission of Fine Arts desire that such plans shall come before them after consideration and recommendation on the part of the Board of Architectural Consultants.

For the Commission of Fine Arts:

Very respectfully, yours,

(Signed) Charles Moore,

Chairman.

Hon. Andrew W. Mellon,
Secretary of the Treasury,
Washington, D. C.

EXHIBIT H

C O P Y

December 18, 1931.

Dear Sirs:

The Commission of Fine Arts, at their meeting yesterday, considered the tentative proposition stated in your letter of November 21st to erect a filling station on Pennsylvania Avenue, between Ninth and Tenth Streets.

For your information the Commission directed me to advise you that the Commission will not approve the erection of any filling station on Pennsylvania Avenue between the Capitol and the Treasury Department.

For the Commission of Fine Arts:

Very respectfully yours,

(Signed) Charles Moore,

Chairman.

The American Oil Company,

American Building,

Baltimore, Maryland.

EXHIBIT I

C O P Y

December 18, 1931.

Dear Colonel Grant:

The Commission of Fine Arts visited Meridian Hill Park yesterday in connection with the design and model submitted for the treatment of the niche opposite Crescent Place. It was the unanimous opinion of the Commission that the suggested treatment is much too elaborate and complicated for the small space available. They would approve a single basin and central motive in character with the long wall and the planting. It will not do to reproduce on the outside of the park the elaborate treatment of the inside.

For the Commission of Fine Arts:

Very respectfully yours,

(Signed) Charles Moore,

Chairman.

Lieut. Col. U. S. Grant 3d, Director,
Public Buildings and Public Parks
of the National Capital,
Washington, D. C.

EXHIBIT J

DRESS ALL COMMUNICATIONS TO
THE DIRECTOR
NAVY BUILDING
18TH AND B STREETS NW.

PUBLIC BUILDINGS AND PUBLIC PARKS
OF THE NATIONAL CAPITAL

EFER TO_____

WASHINGTON, D. C.

December 2, 1931.

RECEIVED
THE COMMISSION OF FINE ARTS,
WASHINGTON D. C.
DEC 4 1931
NOTED

Mr. Charles Moore, Chairman,
Commission of Fine Arts,
Interior Building,
Washington, D. C.

Subject: Compliance with Zoning Law and Other Regulations.

My dear Mr. Moore:

Several times in recent years, the Fine Arts Commission has recommended designs of buildings in violation of the Zoning regulations, or other restrictive laws. There were the cases of the Tower Building, the addition to the Methodist Building, the Treasury's Central Heating Plant, and I think the addition to the Library of Congress. It is, of course, most unfortunate for those of us who are trying to administer the laws and regulations in such matters, and I speak as a member of the Zoning Commission, to have the Fine Arts Commission and the influence which its opinions naturally exercise on other people's minds thrown in favor of a violation of law or regulations made in compliance with law. Moreover, I so thoroughly believe in the advisability of carrying out the zoning plan in a methodical and systematic manner, and in the evil of making individual exceptions to a plan and thereby helping to upset the balance of the whole, that I don 't believe the Fine Arts Commission would take such an attitude, if it realized the importance of not doing so.

You know how much store I personally set by the views and opinions of the Fine Arts Commission, and it is my sincere belief that such departures from what seems to me sound policy are largely due to misunderstandings of the case or action taken without a full investigation of its ultimate effects. This letter is addressed to you in the hope of finding some procedure by which the Fine Arts Commission will at least consider Zoning and other city planning questions at the same time as it considers any general plans for buildings in Washington. If there is any way I can help to bring such matters before your Commission in advance of its reaching a final conclusion, I should be only too happy to do so.

The kind of action I have enumerated above seems to be a very definite departure from the attitude heretofore maintained by the Commission of Fine Arts, which I had always looked upon as the only agency, through a long period of years, interested and

Exhibit K

ready to fight for the generally balanced development of the National Capital and against the assumption of undue importance by individual buildings and other features. This attitude was clearly expressed for the Commission of Fine Arts in Colonel William W. Harts' letter of September 1, 1914, to the Secretary of the Treasury, in regard to the height of the Interior Department Building:

> "The questions submitted in this particular instance inevitably lead to much wider questions involving a development of the entire city of Washington. If high buildings are to be erected by the Government in this city, private individuals or corporations should be permitted to do likewise. If the exigencies of business seem to require high buildings in certain sections, those sections should be clearly defined, and the rules or the principles of selection should be clearly laid down.
>
> * * * *
>
> "The area now under consideration is situated in a section of the city given over largely to buildings of a monumental character. To erect a high building in this area would inevitably create discord. The Commission believe that in no case should the height of buildings in the section under consideration be greater than 80 feet.
>
> * * * *
>
> "While it is true that Government buildings are not subject to the regulations as to height imposed by the authority of the District of Columbia, yet those regulations were authorized by Congress for the express purpose of protecting Government buildings. The Government itself should not defy regulations imposed by its authority for its own protection. If the Government shall lead the way in the erection of high buildings, private individuals will go further, and the great charm and distinction of Washington will thus be destroyed".

Trusting that, since my suggestion seems so evidently consistent with the previous policy of the Commission of Fine Arts, you will not think me officious in making it and that some way may be found for closer co-operation between the Commission of Fine Arts and other Government agencies,

Believe me,

Very sincerely yours,

U. S. Grant 3d,
Director.

C O P Y

December 30, 1931.

My dear Colonel Grant:

Your letter of December 2, relative to compliance with zoning laws and other regulations was laid before the Commission of Fine Arts at their meeting on December 17, and was discussed by the Commission with this result:

The object of the Shipstead-Luce Act was to promote in so far as private buildings are concerned a proper framework for the public buildings and public parks. The object in view was an esthetic one and in the decisions of the Commission the esthetic point of view will be observed as a primary consideration. If the general regulations in regard to zoning should be in conflict with the esthetic object, whether because the zoning regulations permit too high a building or require too low a building for good order and good looks, then the Commission of Fine Arts will not hesitate to advise accordingly. A case in point is one of the cases you note, namely, the addition to the Methodist Church Office Building. The Methodist people were perfectly willing to erect their new building to the height of the existing building, which is adjacent to it, but the Zoning Regulations interfered and as a result they made a step-down of the new building much to the detriment of the frame of the United States Supreme Court Building. This matter was very carefully considered by the Commission of Fine Arts and the advice of the architect of the Supreme Court Building was obtained. He and the members of the Commission were in entire accord as to the desirability of carrying the new building up to the height of the former building.

In the case of the Central Heating Plant of the Treasury Department the problem turned on a balance between the esthetic appearance of smokestacks rising a considerable distance above the roof and the enclosure of those stacks in the building itself. Here a compromise was effected, which had the result of compromises in general.

The Commission of Fine Arts, as a result of your letter, have ordered that in all future cases the official submitting the plans shall specify whether or not such plans are in conformity with the Zoning Regulations and if not, for what reason they do not conform to such regulations.

EXHIBIT K-1

Now on the other hand, the Commission were much concerned to find that the Zoning Regulations permitted buildings on the Naval Hospital site to be built to a height that would seriously impair the appearance of the National Capital from the Lincoln Memorial. The Zoning Regulations seem not to have exercised restraint on the Shoreham Hotel.

The Commission of Fine Arts desire to cooperate with the Zoning Commission, also with the National Capital Park and Planning Commission, and in general to have Government buildings comply with the regulations made for the general protection of the city of Washington. The Commission foresee many complications which are bound to arise in connection with the buildings on the north side of Pennsylvania Avenue opposite the Triangle, and the Commission will appreciate your cooperation in the adjustment of this problem.

For the Commission of Fine Arts:

Sincerely yours,
(Signed) Charles Moore,
Chairman.

Lieut. Col. U. S. Grant 3d,
Executive and Disbursing Officer,
National Capital Park and Planning Commission,
Washington, D. C.

THE WHITE HOUSE
WASHINGTON

December 9, 1931

My dear Dr. Moore:

In accordance with your request I am sending you herewith, for your information, a copy of the letter from the Attorney General regarding the respective authority of the Commission of Fine Arts and of the Zoning Commission respecting the heights and appearances of private buildings to be erected in the District.

Sincerely yours,

Lawrence Richey

LAWRENCE RICHEY
Secretary to the President

Dr. Charles Moore
Chairman
The Commission of Fine Arts
Interior Department Building
Washington, D. C.

Enclosure

Exhibit L-2

December 1, 1931.

Honorable Lawrence Richey,
Secretary to the President,
The White House.

Dear Mr. Richey:

Under date of July 25, 1931, by direction of the President, you forwarded to me a communication of that date written to the President by the Chairman of the Commission of Fine Arts, suggestin that the President ask my opinion as to the respective authority of the Commission of Fine Arts and of the Zoning Commission respecting the heights and appearances of private buildings to be erected in the District.

As the Commission's letter presented but a meagre statement of facts, a representative of this Department made inquiries from District officials about the situation. It appeared that the inquiry had to do with an addition to the Methodist Church Office Building near the Capitol. The zoning ordinances limited the height to sixty feet. The Commission of Fine Arts concluded that the addition would conform in appearance better with the existing Methodist Church Office Building if it were made ninety feet. After considering the Commission's report the District Commissioners left the height at sixty feet. Our inquiry developed a number of troublesome questions involved in this case. The owner claimed he did not have the money to build a ninety foot building, and that raised a question as to whether the Commission of Fine Arts could compel the erection of a ninety foot building when the owner was only prepared to build one of sixty feet.

On the other hand, the District Commissioners in forming their judgment about the matter appeared to have been influenced to some extent by the fact that the Government expects ultimately to acquire this property and the Commission thought if a ninety foot building were erected it would cost the Government more to acquire the property then if a sixty foot building were built, and that raised the question as to whether the Commissioners had any right to take such a factor into consideration under the law.

During the time that our inquiry into these matters proceeded the owner went ahead with the building and has constructed a building sixty feet in height so that the case submitted is no longer pending, and there remains so far as I know merely the academic question as to the respective powers of the District Commissioners and the Commission of Fine Arts.

The inquiry we made into this particular case shows that it is very unsafe torrender an opinion in a matter of this kind without having a specific case presented with all the facts which are material in the forming of a judgment. Our conclusion here in the Department was that it was inadvisable to attempt to give an opinion on a case involving so many complications which had not been fully presented to this Department. The Commission did not press the matter and this case has worked itself out and has been disposed of so that the matter may be considered closed.

I am writing this explanation in order that you may close your files in the matter.

Sincerely yours,

Attorney General.